



IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES,
DIVISION OF WATER RESOURCES,
Petitioner,
v.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, ET AL.,
Respondents,
and
COYOTE SPRINGS INVESTMENT,
LLC, ET AL.,
Real Parties in Interest.

No. 92809

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying partial summary judgment in an inverse condemnation action. Petitioner has also filed an emergency motion for stay of the district court proceedings pending our consideration of this writ petition, which motion is fully briefed.

Mandamus is properly requested to compel the district court to perform a legally required act or to correct a manifest abuse of discretion. NRS 34.160; *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196-97 (2020). Writ relief is not available when the petitioner has a plain, speedy, and adequate legal remedy, however, NRS 34.170; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008), and subject to limited exceptions, we will not exercise our discretion to entertain writ petitions that challenge orders denying summary judgment, *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Whether a petition seeking such relief will be considered by this court is purely discretionary, *Smith v. Eighth Jud.*

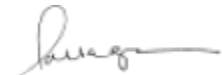
Dist. Ct., 107 Nev. 674, 677, 818 P.2d 849, 851-52 (1991), and it is the petitioner's burden to demonstrate that writ review is warranted, *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed the petition and supporting documents, including petitioner's arguments as to why this court's extraordinary intervention is appropriate despite the above standards, we are not persuaded that our consideration of this petition at this time is warranted. Resolving the petition in petitioner's favor would not resolve the case below, and the bench trial on the subject takings claims is scheduled to commence next week. Moreover, the district court concluded that genuine issues of material fact exist regarding the perfection of the water rights at issue and thus did not determine the legal issues raised in this petition. Ultimately, petitioner may appeal from the final judgment. *See Moore v. Eighth Jud. Dist. Ct.*, 96 Nev. 415, 416-17, 610 P.2d 188, 189 (1980) (declining to entertain writ petition when granting relief would not resolve the entire underlying controversy); *Pan*, 120 Nev. at 223, 88 P.3d at 841 (explaining that an appeal is generally a plain, speedy, and adequate legal remedy precluding writ relief). Accordingly, we

ORDER the petition DENIED.¹



Pickering, J.



Parraguirre, J.



Bell, J.

¹In light of this order, petitioner's emergency motion for stay is denied as moot.

cc: Hon. Mark R. Denton, District Judge
Attorney General/Carson City
Attorney General/Las Vegas
Howard & Howard Attorneys PLLC/Las Vegas
Hutchison & Steffen, LLC/Las Vegas
Hutchison & Steffen, LLC/Reno
The Eighth Judicial District Court of the State of Nevada, in and for the
County of Clark